



General Assembly

Substitute Bill No. 5440

February Session, 2006

* HB05440PH 041706 *

**AN ACT CONCERNING THE PRESENCE OF VOLATILE ORGANIC
COMPOUNDS AND NOTICE OF POLLUTING EVENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 20-327b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2006*):

4 (d) (1) The Commissioner of Consumer Protection, shall, by
5 regulations adopted in accordance with the provisions of chapter 54,
6 prescribe the form of the written residential disclosure report required
7 by this section and sections 20-327c to 20-327e, inclusive. The
8 regulations shall provide that the form include information concerning
9 municipal assessments, including, but not limited to, sewer or water
10 charges applicable to the property. Such information shall include: (i)
11 Whether such assessment is in effect and the amount of the
12 assessment; (ii) whether there is an assessment on the property that
13 has not been paid, and if so, the amount of the unpaid assessment; and
14 (iii) to the extent of the seller's knowledge, whether there is reason to
15 believe that the municipality may impose an assessment in the future.

16 (2) Such form of the written residential disclosure report shall
17 contain the following:

18 (A) A certification by the seller in the following form:

19 "To the extent of the seller's knowledge as a property owner, the
20 seller acknowledges that the information contained above is true and
21 accurate for those areas of the property listed. In the event a real estate
22 broker or salesperson is utilized, the seller authorizes the brokers or
23 salespersons to provide the above information to prospective buyers,
24 selling agents or buyers' agents.

T1 (Date) (Seller)
T2 (Date) (Seller)"

25 (B) A certification by the buyer in the following form:

26 "The buyer is urged to carefully inspect the property and, if desired,
27 to have the property inspected by an expert. The buyer understands
28 that there are areas of the property for which the seller has no
29 knowledge and that this disclosure statement does not encompass
30 those areas. The buyer also acknowledges that the buyer has read and
31 received a signed copy of this statement from the seller or seller's
32 agent.

T3 (Date) (Seller)
T4 (Date) (Seller)"

33 (C) A statement concerning the responsibility of real estate brokers
34 in the following form:

35 "This report in no way relieves a real estate broker of the broker's
36 obligation under the provisions of section 20-328-5a of the Regulations
37 of Connecticut State Agencies to disclose any material facts. Failure to
38 do so could result in punitive action taken against the broker, such as
39 fines, suspension or revocation of license."

40 (D) A statement that any representations made by the seller on the
41 written residential disclosure report shall not constitute a warranty to
42 the buyer.

43 (E) A statement that the written residential disclosure report is not a
44 substitute for inspections, tests and other methods of determining the
45 physical condition of property.

46 (F) Information concerning environmental matters such as lead,
47 radon, subsurface sewage disposal, flood hazards and such other
48 topics as the Commissioner of Consumer Protection may determine
49 would be of interest to a buyer and, if the residence is or will be served
50 by well water, as defined in section 21a-150, the results of a water test
51 for volatile organic compounds, by a laboratory licensed by the
52 Department of Public Health.

53 (G) A statement that information concerning the residence address
54 of a person convicted of a crime may be available from law
55 enforcement agencies or the Department of Public Safety and that the
56 Department of Public Safety maintains a site on the Internet listing
57 information about the residence address of persons required to register
58 under section 54-251, as amended, 54-252, 54-253 or 54-254, who have
59 so registered.

60 Sec. 2. Subsection (l) of section 22a-6u of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective*
62 *October 1, 2006*):

63 (l) Not later than ten days after receipt of any written notice
64 received under this section, the commissioner shall: (1) Forward a copy
65 of such notice to the chief elected official of the municipality in which
66 the subject pollution was discovered by the technical environmental
67 professional, (2) forward a copy of such notice to the state senator and
68 state representative representing the area in which the subject
69 pollution was discovered by the technical environmental professional,
70 (3) forward a copy of such notice to the Labor Commissioner where the
71 Division of Occupational Safety and Health, within the Labor

72 Department, has jurisdiction over the employers, employees and
73 places of employment on the subject property, (4) forward a copy of
74 such notice to the state labor federation and any other employer
75 representative who requests such reports, (5) forward a copy of such
76 notice to the federal Occupational Safety and Health Administration,
77 and [(3)] (6) maintain a list on the department's Internet [website] web
78 site of all the notices received under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	20-327b(d)
Sec. 2	<i>October 1, 2006</i>	22a-6u(1)

ENV *Joint Favorable Subst.*

GL *Joint Favorable*

PH *Joint Favorable*